

REMARKS

This response is submitted in reply to the Final Office Action mailed October 11, 2007, (“Office Action”) in which the Examiner objects to Claims 29-33. Claims 1-28 stand previously cancelled. Claims 29, 30, and 32 stand previously presented. Claims 31 and 33 are now cancelled. No new matter has been added.

A Request for Continued Examination is submitted herewith. Please see the attached PTO-2038 form with credit card authorization for the amount due in connection with this RCE and this Response.

Rejection Under 35 USC §112 – New Matter

The Examiner states that Claims 31 and 33 are rejected under 35 U.S.C 112 as new matter since they contain subject matter not sufficiently described in the specification.

Specifically, the Examiner points to the subject matter described in Claim 31 wherein “a wildcard symbol expands N symbol positions ... with N indicated on the wildcard symbol...” and the subject matter described in Claim 33 wherein “arrows are used as directional indicia displayed on the wildcard symbols” as unsupported by the application or drawings.

Applicant cancels both Claims 31 and 33 and, therefore, respectfully submits that the Examiner’s objections to Claims 31 and 33 are moot in view of the cancellations.

Rejection Under 35 U.S.C §103 – Obviousness

The Examiner states that Claims 29-32 are rejected under 35 USC §103(a) as unpatentable over Benett (US 6,585,264 B2) in view of Locke (US 2003/0022712). Applicant respectfully submits that the combination of Benett and Locke does not teach the same invention as the Present Application and, therefore, provides no grounds for rejection.

1. **Benett does not teach automatically expand a wildcard symbol in all predetermined directions assigned to said wildcard symbol.**

Benett teaches a game in which wildcard symbols are assigned one and only one movement pattern in accordance with the rules of a conventional chess game. For example, a wildcard symbol represented by a bishop is assigned the diagonal movement pattern of a bishop. Specifically, Benett states that: "...whenever any chess piece substitute symbol is spun up and displayed, then after any applicable wins have been paid, the chess piece will make one move, ie. from its initial display position to a following display position, according to its normal chess movement pattern." (Benett, column 3, lines 40-44.)

Unlike Benett, the Present Application teaches a game in which wildcard symbols may expand in all of the multiple directions assigned by the directional indicia displayed on said wildcard symbols. Independent claim 29, along with dependent Claims 30 and 32, teach: "...automatically expanding wildcard symbols, if displayed in the symbol matrix, in all of the predetermined directions assigned by the directional indicia displayed on each said wildcard symbol." (Emphasis added.) Thus, the Present Application offers novel methods of expanding wildcard symbols in a symbol matrix when compared to the methods described in Benett.

The Examiner acknowledges the distinction between the Present Application and Benett by stating, "*Benett does not specifically disclose automatically expanding wildcard symbols, if displayed in the symbol matrix, in all of the predetermined directions assigned by the directional indicia displayed on each said wildcard symbol.* Specifically, Benett discloses that if there is more than one possible direction of movement associated with a wildcard, then the direction of movement is selected by the controller (col. 3, lines 44-47)." (Office Action dated October 11, 2007, page 5, lines 16-20; italics original.)

The Examiner, however, then cites Locke (US 2003/0022712) as an example of an “analogous expansion slot machine game” (Office Action dated October 11, 2007, page 5, line 21) in which “Locke discloses the use of wildcard symbols that move to occupy other symbol spaces, i.e. expand from the original space on which the wildcard symbol appears... Further, Locks discloses an embodiment of the invention wherein the symbol expands in all of the predetermined directions as assigned by the directional indicia as shown in Fig. 7-9” (Examiner’s Reply dated May 14, 2007, pages 5, line 21 to page 6, line 9.)

According to the Examiner, it would have been obvious to combine the teachings of Benett and Locke to expand wildcard symbols in all predetermined directions associated with said wildcard symbols.

2. Locke does not teach automatically expand a wildcard symbol in all predetermined directions assigned to said wildcard symbol.

Applicant respectfully submits that Locke is not “an analogous expansion slot machine game” as it does not teach expanding wildcard symbols in all predetermined directions assigned to said wildcard symbols. Instead, Locke moves a non-wildcard symbol from its original position to another position along a single pathway. The Locke specification summarizes the invention in the following manner:

A roaming symbol feature is triggered in response to the displayed symbols including a predetermined number of value-based symbols. Each value-based symbol is moved from a respective current symbol position to one or more respective target symbol positions. Payout indicia is revealed for each value-based symbol at the one or more respective target symbol positions. (Locke at page 1, paragraph 4.)

In the first embodiment of Locke, a Sun symbol moves across the symbol matrix towards a Moon symbol along a random path and reveals a multiplier value at position along the path. The game then issues an award calculated by multiplying the sum of all revealed multiplier

values by the total wager. This embodiment does not use wildcard symbols in any manner, expand a wildcard symbol from its original position into other positions, or assign a direction to a wildcard symbol. Moreover, the symbols move in a random fashion and not in accordance with any movement patterns or assigned directions. Locke describes this Sun and Moon
5 embodiment as follows:

In the embodiment illustrated by FIG. 3, a Sun symbol 60 on reel 30 and MOON symbol 62 on reel 34 triggers a first roaming symbol feature called an eclipse bonus. In response to triggering the eclipse bonus, either MOON symbol 62 moves towards the SUN symbol 60 or the SUN symbol 60 moves toward the
10 MOON symbol 62. If the background to the symbol array represents daytime as illustrated, the MOON symbol 62 moves in a random path from its initial position on reel 34 to the symbol position of the SUN symbol 60 on reel 30. If, however, the background to the symbol array represents night time (not shown), the SUN symbol 60 moves in a random path from its initial position on reel 30 to the symbol position of the MOON symbol 62 on reel 34... As the moving symbol crosses different symbol positions in its movement, each crossed symbol position may be highlighted and reveals an associated multiplier to be applied to the initial total wager. (Locke at paragraphs 0020-0021; emphasis added.)

20 In the second embodiment of Locke, three or more balloon symbols move along a single upward path and reveal a multiplier value at position along the path. The game then issues an award calculated by multiplying the sum of all revealed multiplier values by the total wager. Again, this embodiment does not use wildcard symbols in any manner, expand a wildcard symbol from its original position into other positions, or assign a direction to a wildcard symbol.

25 Locke describes this Balloon embodiment as follows:

Referring to FIG. 6, a second roaming symbol feature called a balloon bonus is triggered by three or more BALLOON symbols 66, 68, and 70 appearing anywhere on the stopped reels following a reel spin. In response to triggering the balloon bonus, the BALLOON symbols progressively rise on their respective reels until reaching the top symbol positions of their respective reels... As each BALLOON symbol crosses different symbol positions in its movement, each crossed symbol position may be highlighted and reveals an associated multiplier to be applied to the initial total wager. The multiplier preferably increases for each successive symbol position crossed by the BALLOON symbol. (Locke at
30
35 paragraph 0023; emphasis added.)

In neither of the embodiments discussed above, nor at any other point in the specification, does the Locke invention expand a wildcard symbol into other symbol positions in accordance with all of the predetermined directions assigned by the directional indicia displayed on that wildcard symbol. The Locke invention simply does not use wildcard symbols. Even if Locke
5 did use wildcard symbols, the symbols would merely move along a path to reveal multiplier values and would not expand the scope of the wildcard effect.

Thus, Applicant submits that Locke does not teach any methods of using wildcard symbols, expanding wildcard symbols, or assigning directions to a wildcard symbol. Applicant
10 respectfully disagrees with the Examiner's interpretation of the Locke specification and figures as teaching a game in which "[a] wildcard symbol expands in all of the predetermined directions assigned by the directional indicia." (Office Action at page 6, lines 9-10.) Instead, Applicant submits that Locke is not a wildcard expansion game at all and, therefore, it would not have been obvious to one of ordinary skill in the art to combine the Benett with Locke to produce a game in
15 which wildcard symbols expand in all predetermined direction assigned to said wildcard symbols.

In view of the foregoing remarks, Applicant respectfully submits that the Present Application teaches novel methods of playing a slot machine game using expanding wildcard symbols.

20 If there is any matter that would delay this Application from passing to issue, the Examiner is requested to telephone the undersigned.

Applicant strongly emphasizes that anyone reviewing the prosecution history should not interpret any of the examples Applicant has described herein, in connection with distinguishing over the prior art, as limiting to those specific features in isolation. Rather, Applicant asserts that

it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable.

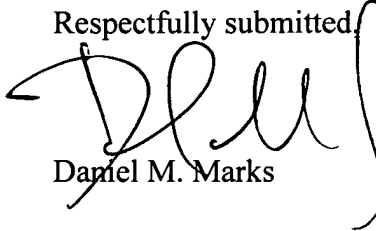
Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicant reserves the right to pursue the original subject matter recited in the present application and claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn. And, for all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance and that such action is earnestly solicited.

Respectfully submitted,



Daniel M. Marks

Inventor

5

Date: 12/3/07

HIGH 5 GAMES

10

1200 MacArthur Blvd

Mahwah, NJ 07430

Phone: (201) 825.1711

Fax: (201) 825.1611